REMARKS

Claims 1, 8, and 14-31 were pending. Claims 1, 8, 14-17 and 19-30 have been amended. Claims 18 and 31 have been cancelled. Therefore claims 1, 8, 14-17, and 19-30 remain pending in the application. No new matter has been added.

Claim Objection

Claim 31 was objected to for repeating the features of claim 30. In view of the cancellation of claim 31, the objection is moot.

Claim Rejections

Claims 1, 8, 14, 16, 17, 20, 22, 25, 26, 28 and 29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,734,589 (hereinafter "Kostreski"). Claims 15, 18, 23, 24, and 27 stand rejected as being unpatentable over Kostreksi, in view of U.S. Patent 5,903,262 (hereinafter "Ichihashi"). Claims 19, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kostreski in view of U.S. Patent Publication 2004/0221307 (hereinafter "Arai"). Finally, claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kostreski in view of U.S. Patent No. 6,208,335 (hereinafter "Gordon"). Applicant respectfully traverses the above rejections. However, Applicant has amended the claims for purposes of clarification.

Applicant submits the present claims are patentably distinguishable from the cited art. For example, claim 1 recites a method which includes:

"identifying in a broadcast stream a surfer application;
downloading the Surfer application within a dedicated part of the Decoder memory, called Surfer Cache;
executing said Surfer application from said Surfer Cache, wherein said Surfer application is started in a transparent mode by default, and whereby the Decoder is under control of said Surfer application;
detecting a navigation event;

checking whether said decoder is under the control of said surfer application;
routing said navigation event to the surfer application in response to determining the decoder is under the control of said surfer application; and
routing said navigation event to the built-in banner responsive to determining the decoder is not under the control of said surfer application."

Applicant submits that at least the above highlighted features are neither taught nor suggested by the cited art either singly or in combination. Generally speaking, the above features enable the use of alternative navigation related applications with decoders which include built-in navigation applications. None of the cited art teaches a decoder or terminal with a built-in navigation application which is also configured to download alternative navigation applications configured to control the decoder. Additionally, the features recited above include determining whether the decoder is under the control of the downloaded surfer and routing navigation commands accordingly. These teachings are wholly absent from the cited art.

In contrast to the above, Kostreski discloses:

"In the memory management illustration of FIG. 2, any L2 level 2 gateway and associated server can download application program software to the DRAM application memory in the DET. The DET will also receive and load software applications through one or more broadcast channels. The downloaded applications software controls a wide variety of DET functions in accord with each VIP's services. For example, this software may specify the functionality of the user interface (UI), navigation through broadcast channels, types of transactions to be performed, graphics styles, etc. A key feature of the present invention is that at least some of the software/data downloaded through a broadcast channel controls "channel mapping" functions of the DET, to permit an end user to easily navigate through the channels carrying the services of each broadcast VIP. Once all necessary software resides in memory in the DET, the user begins interaction with the services offered by the particular service provider or VIP.

The downloaded software from one service provider or VIP might present menus and prompts in simple text form. Another provider, however, might choose to present menus and prompts in a much more graphical form approaching virtual reality. Graphics and a small number of frames of video can be downloaded and stored with the application software. Although the precise presentation to the user displayed on the television

> set is determined by the software downloaded by the service provider and stored in the DET's system memory, a preferred implementation for broadcast services is discussed below with reference to FIG. 5." (Kostreski, columns 13-14).

Consequently, Kostreski merely teaches that navigation software may be downloaded.

In the present Office Action, claim 14 (which includes some features similar to those discussed above) is rejected as being anticipated by Kostreski. However, the above features are not disclosed by Kostreski. Column 15, lines58+, simply discloses the DET is typically preloaded with operating system software. In addition, software may be downloaded. Column 27 simply states a guide program may be executed if already stored in the DET. If the guide program is not stored in the DET, it may be downloaded. Such disclosure is not equivalent to the above recited features. Applicant submits neither are such features found in the remaining references. Therefore, independent claims 1 and 8 are patentably distinguishable from the cited art, taken either singly or in combination. The dependent claims are likewise patentably distinguishable for at least the above reasons.

In view of the above, Applicant believes all claims to be in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant(s) hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-05900/RDR.

Respectfully submitted,

/ Rory D. Rankin /
Rory D. Rankin
Reg. No. 47,884
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: September 5, 2007